

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GERALD BLACE WEST,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

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Civil Action No. **3:25-CV-1089-L-BK**

ORDER

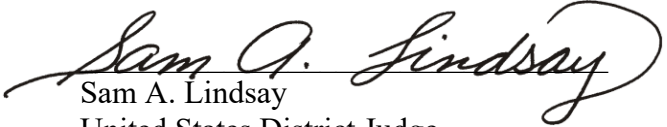
On May 2, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 8) (“Report”) was entered, recommending that the court dismiss without prejudice this action and Plaintiff’s request for federal intervention in his pending state criminal proceedings as barred by the abstention doctrine in *Younger v. Harris*, 401 U.S. 37 (1971). No objections to the Report were filed, and the deadline for asserting objections has expired.

Having considered the file, Report, and record in this case, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action as barred by the *Younger* abstention doctrine.

The court prospectively **certifies** that any appeal of this action by Plaintiff would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates by reference** the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this action by Plaintiff would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis*

on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 28th day of May, 2025.


Sam A. Lindsay
United States District Judge